

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4060 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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JAGDISHBHAI B GANDHI

Versus

DY ENGINEER

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Appearance:

MR SK BUKHARI for Petitioners

None present for Respondent No. 1, 2

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/09/1999

ORAL JUDGEMENT

1. Shri S.K. Patel, AGP, is present in the court but when he was called upon to make submissions he stated that the papers of the case are not with him nor he has any instructions in the matter to appear.

2. Heard the learned counsel for the petitioners and perused the special civil application. The respondents have not filed reply to the special civil application and

as such the averments made by the petitioners therein are to be taken to be uncontroverted.

3. The petitioners stated that they are qualified for the post of Mechanics. Their names were sponsored by the Employment Exchange Office at Baroda on requisition sent by the respondent No.1 for appointment as work-charge Mechanics in the minimum pay scale of Rs.260. The respondent No.1 after taking interview of the petitioners, has taken them in service, though no appointment order has been given. They were taken on daily wages since 1-5-1980 and 23-7-1980 respectively and they are working as daily wagers in the employment of the respondent No.1. These facts are not disputed or denied and as such the same are taken to be admitted.

4. The petitioners prayed for direction to the respondents to appoint them on work-charge establishment on the post of work-charge Mechanics. This prayer has been made on the basis of the resolution of the Government dated 4-7-1973. I had an occasion to go through another resolution which has been passed by the Government on 17-10-1988 under which certain benefits are being conferred upon the daily wage employees of the Public Works Department of the Government of Gujarat. However, the petitioners either do not know of that resolution or for the reasons best known to them, the same has not been produced on the record of this special civil application.

5. In the result, this special civil application is disposed of in terms that the respondent No.2 is directed to consider the claim of the petitioners for regularisation of their services and to take them on work-charge establishment in accordance with the provisions of the Government Resolution dated 4-7-1973 or consider their cases with reference to the Government Resolution dated 17-10-1988. This exercise has to be undertaken and completed within a period of two months from the date of receipt of writ of this judgment. In case the petitioners are found entitled for the benefits of this resolution dated 4-7-1973 or the resolution dated 17-10-1988 then all consequential benefits flowing therefrom are to be given to them forthwith. In case where they are not found entitled for the benefits of either of the resolution then a reasoned order may be passed and copy of the same may be sent to the petitioners by registered post A.D.. Liberty is granted to the petitioners for revival of this special civil application in case of difficulty by filing a simple note. Rule is made absolute in the aforesaid terms with

no order as to costs.

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